

REMARKS

Reexamination and reconsideration of the application is respectfully requested.

Double Patenting

A terminal disclaimers over US patent Nos. 6,638,611 and 6,773,718 are attached.

Claim Rejections – 35 USC § 103

Claim 9-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,042,844.

The rejection of claims 9- 12 as rejected over Ishida et al is respectfully traversed.

Initially the passages referenced in the rejection with respect to the hydrophobic layer (layer 3 in Fig 1) discuss formation of the hydrophobic layer as a fabric, such as a nonwoven fabric not a **film** as claimed. Namely, Col 4 lines 33- 47 discusses the hydrophobic layer as “composed of a hydrophobic synthetic fiber...”

Col 6 lines 1-13 in Ishida et al list various polymers that could be used to form fabrics. Although it does not say in this paragraph if the fibers are used to form the hydrophobic or hydrophilic fiber layers. Presumably it could be either as Col 5 lines 52–59 discusses both layers as fabrics and there is no distinction made in the latter paragraph bridging cols 5 and 6 as to which fabric layer they are then discussing.

The rejection also refers to Col. 5 as teaching the claimed film porosity, however again here Ishida et al is talking about a fabric (note Col. 5 line 18..”The moisture permeability of the fabric...”).

The rejection then goes on to state Ishida et al suggests adding oil or wax as a film filler at Col. 8 lines 50-67 and Col. 7 line 55 to Col. 8 line 8. In these passages however Ishida et al is discussing the cosmetic substance. The cosmetic substance is **layer 4**. Please note Col 10, line 33

and Fig 1. The basic structure of the Ishida et al sheet is also discussed in Col. 3 line 41 to Col. 4 line 17, in which they discuss the various layers. Generally the structure is that shown in Fig 1 where the “cosmetic substance” is coated onto the permeable support 1 (formed of hydrophobic layer 3 and hydrophilic layer 2) in order to rapidly dry the cosmetic substance into a film (Col. 4 lines 1-6). The Cosmetic Substance is just a coating. At Col 7 line 36 Ishida et al transitions into talking about the cosmetic substance which the rejection takes to teach using filler in a porous stretched film of crystalline thermoplastic polymer, which it is not.

It is also this cosmetic layer that may also absorb sebum. This function is possible if sebum absorbing particles such as Kaolin clay are put into a film forming cosmetic layer, such as ethylene glycol (listed at Col. 7 lines 55- 65).

These isolated passages talk about different layers and materials and are simply are not combinable. Ishida et al does not teach the method claimed which removes sebum with a porous stretched film made of a crystalline thermoplastic resin, the porous film containing voids where the voids contain a filler selected from mineral oils, glycerin, petroleum jelly, low molecular weight polyethylene, polyethylene oxide, polypropylene oxide, polytetramethylene oxide, soft Carbowax and mixtures thereof and not with a film forming ethylene glycol with sebum absorbing clay layer 4 coated onto a hydrophilic fibrous layer 2 as taught by Ishida.

Claims 9-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,532,937 ('937) in view of US 6,042,844.

Ishida et al is not combinable with Miller (US 4,532,937) for the reasons noted above relative to the teaching deficiencies in Ishida et al. The oils and waxes referred to in Ishida et al. are the cosmetic layer 4 materials and would not suggest any use as a filler in the microporous film of Miller.

Claim 13-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,532,937 in view of US 6,042,844 as applied to claims 9-12, and further in view of GB 2061709 (GB).

The UK reference GB 2061709 does not cure the deficiencies of Miller or Ishida et al. This patent merely discloses a foam cleansing pad covered with a stretch nylon stocking material (it is not a film!). The invention of this patent is allegedly an improvement over cotton or cloth pads which are thrown out after one use. The desire is to produce a multiple use cleaning pad (see column 1, lines 1-58). The film of Miller is disposable as is the material used in the claimed invention. The GB reference teaches nothing relative to a porous film or any other type of film material.

Allowance of claims 9 to 16 at an early date is solicited.

Respectfully submitted,

July 12, 2006
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